



Spain

Country Reports on Human Rights Practices - [2002](#)

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Spain is a democracy with a constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. In March 2000, Jose Maria Aznar of the Popular Party was reelected Prime Minister, with the title President of the Government. The next national elections must be held by March 2004. The judiciary is independent.

Internal security responsibilities were divided among the National Police, which were responsible for security in urban areas; the Civil Guard, which policed rural areas and controlled borders and highways; and police forces under the authority of the autonomous communities of Catalonia and the Basque Country. While the security forces generally were under the effective control of civilian authorities, some members of the security forces committed human rights abuses.

The market-based economy, with primary reliance on private enterprise, provided the population of over 41 million with a high standard of living. The economy grew during the third quarter at a 1.7 percent annual rate. The annual inflation rate was 4 percent at year's end. Unemployment increased to 11.4 percent during the year, ending its downward trend.

The Government generally respected the human rights of its citizens, although there were a few problems in some areas; the law and judiciary provide effective means of dealing with cases of individual abuse. There were reports that at times security forces abused detainees and mistreated foreigners and illegal immigrants. According to Amnesty International (AI), government investigations of such abuses often were lengthy and punishments were light. Lengthy pretrial detention and delays in trials were sometimes problems. Violence against women was a problem, which the Government took steps to address. Women also faced some discrimination in the workplace. Societal discrimination against Roma and immigrants remained a problem, as did occasional violence against immigrants. Trafficking in women and teenage girls for the purpose of prostitution was a problem. Spain was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The terrorist group ETA (Basque Fatherland and Liberty) continued its campaign of shootings and bombings, killing four persons during the year. ETA sympathizers also continued a campaign of street violence and vandalism in the Basque region intended to intimidate politicians, academics, and journalists. Judicial proceedings against members of ETA continued, and Spanish and French police arrested dozens of suspected ETA members and collaborators.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The ETA, whose declared goal is to establish an independent Basque state, continued its terrorist campaign of bombings and shootings, killing four persons during the year. ETA publicly claimed responsibility for its attacks. On March 21, ETA shot and killed a Socialist councilman in the Basque town of Orio. On July 4, an ETA car bomb killed a civilian and a 6-year old girl in Santa Pola. On September 4, a bomb hidden in a banner supporting ETA's

political wing, Batasuna, killed a Civil Guard member who was trying to take down the banner.

The Government continued to pursue legal actions against ETA members. The courts convicted and sentenced at least eight ETA members during the year. In July the National High Court sentenced Jose Maria Novoa, Igor Martinez de Osaba, and Alicia Saez de la Cuesta to 29 years each in prison for the murder of a Civil Guard officer in 1998. Idoia Lopez Riano was sentenced to 87 years' imprisonment for her participation in an attack that killed three persons in 1986; she later was sentenced to 53 years in prison for her participation in the murder of a National Policeman in 1985. In August the court sentenced Santiago Arrospide to 36 years and Jose Maria Dorronsor to 26 years in prison for the attack on a National Police patrol in 1987. Former ETA leader Francisco Mugica and explosives expert Jose Maria Arregui were sentenced to 743 years in prison each as accomplices in the attack on a military bus in Zaragoza in 1987 in which 2 people were killed and 28 were injured.

By year's end, police had arrested 123 ETA members and had dismantled 16 ETA commands. Authorities in France, the Netherlands, Uruguay, Switzerland, and Venezuela have arrested, and in some cases extradited to Spain, ETA members.

Several organizations were dedicated to the concerns of victims of terrorism, among them the Association of Victims of Terrorism (AVT). The AVT served 2,000 families, providing legal and psychological counseling. The Government supported its work. Under a 1999 law, the Government has compensated directly victims of terrorism and their families, including victims of the Antiterrorist Liberation Groups (government-sponsored death squads known by their acronym, GAL) in the 1980s.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The law prohibits such practices; however, suspects charged with terrorism at times asserted that they were abused during detention, and at times other detainees. AI continued to criticize the Government for reports of brutality by security forces, particularly directed at foreigners and illegal immigrants. Human Rights Watch and AI also reported that police abused undocumented Moroccan minors (see Section 5). In April AI issued a report titled, "Spain, Identity Crisis, Torture from Security Forces," which included examples of torture and mistreatment by police based on racial problems.

According to AI, in January police beat U.S. citizen Rodney Mack, a musician with a Barcelona orchestra. AI reports indicated Mack mistakenly was arrested for car theft and officers only identified themselves as police after they had mistreated him. Mack and the police had complaints pending against each other at year's end.

The formal complaint of torture filed with the National High Court by Iratxe Sorzabal Diaz, an ETA suspect expelled from France, against Civil Guards remained pending at year's end.

The Government investigated allegations of torture; however, in a November report on impunity and mistreatment done for the U.N. Committee Against Torture, AI criticized the judicial process for law enforcement officials accused of torture or mistreatment.

In addition to killings, ETA bombings and attempted bombings caused numerous injuries and property damage. Several of these attempts were directed at the tourist industry, including two June car bombings in Malaga, one in Zaragoza, and another in Santander. In August ETA bombed a restaurant in Valencia. In addition to attacks in tourist zones, ETA set off a car bomb in Bilbao in January, and in February a young socialist councilman lost a leg in Sestao when a bomb placed in his car exploded. Also in February, a councilman and his escort were injured in an ETA attack. During April and May, ETA set off three car bombs in Getxo. In September two ETA members died when their backpacks carrying explosives accidentally blew up. In October ETA attacked with grenades the headquarters of the Civil Guard in Urdax. As of December, the police had arrested 194 persons in connection with street violence by ETA sympathizers.

There were reports that police abused persons during political demonstrations (see Section 2.b.).

Prison conditions generally met international standards. However, prison unions criticized the overcrowding of prisons, which, they stated, caused an increase in the number of violent incidents. In a report compiled by the Coordinator of Solidarity with Imprisoned Persons, an umbrella prison rights nongovernmental organization (NGO), prisoners claimed they were tortured and mistreated because of their race.

In the prison system, women were held separately from men; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals.

The Government permits prison visits by independent human rights monitors, but no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the law permits holding a suspect an additional 2 days--or a total of 5 days--without a hearing. A judge may authorize incommunicado detention for terrorism suspects. AI and other NGOs have criticized this provision.

At times pretrial detention was lengthy. By law suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. In practice pretrial custody usually was less than a year. By year's end, approximately 23 percent of the prison population was in pretrial detention (11,975 out of 52,049 inmates), although that number included convicted prisoners whose cases were on appeal.

The law on aliens permits the detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting (see Section 2.d.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. There was a nine-person jury system. Defendants have the right to be represented by an attorney (at state expense for the indigent). Defendants were released on bail unless the court believed that they may flee or be a threat to public safety. Following a conviction, defendants may appeal to the next higher court.

The law calls for an expeditious judicial hearing following arrest; however, the judicial process often was lengthy (see Section 1.d.). In cases of petty crime, suspects released on bail sometimes waited up to 5 years for trial. There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Under the Criminal Code, the authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. However, the antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in "cases of emergency."

The parents or legal guardians of a person with mental disabilities may petition a judge for sterilization of that person (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Opposition viewpoints, both from political parties and nonpartisan organizations, were reflected freely and widely in the media.

The country had an active and independent media, with numerous newspapers, television, and radio stations at the local, regional and national level. Access to the Internet was unrestricted.

ETA and its sympathizers continued their violent campaign of intimidation against political, press, and academic professionals and organizations in the Basque country (see Sections 1.a. and 1.c.). These attacks included package bombs sent in January to the vice president of the media group Correo, Enrique Ibarra; to the director of radio network RNE; and to Marisa Guerrero of radio network Antenna 3. Security forces deactivated all bombs. According to a study done by the University of the Basque Country, 10 percent of the radio and TV journalists who work in the Basque Country have received threats by ETA. Various organizations including the World Association of Newspapers, the World Editors Forum, the International Press Institute, and Reporters Without Borders have criticized the ETA for its assaults on civil liberties and have denounced the conditions of "threat and fear" under which journalists work in the Basque Country.

The Government did not restrict academic freedom. ETA and elements of radical Basque nationalism continued to intimidate and pressure unsympathetic academics to leave the region.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution declares the country to be a secular state, and various laws provide that no religion should have the character of a state religion; however, Catholicism was the dominant religion and enjoyed the closest official relationship with the Government. Among the various benefits enjoyed by the Catholic Church was financing through the tax system. Judaism, Islam, and many Protestant denominations had official status through bilateral agreements but enjoyed fewer privileges. Other recognized religions, such as Jehovah's Witnesses and the Church of Jesus Christ of Latter-Day Saints (Mormons), were covered by constitutional protections but had no special agreements with the Government.

The law establishes a legal regime and certain privileges for religious organizations to benefit from this regime, religious organizations must be entered in the Register of Religious Entities maintained by the General Directorate of Religious Affairs in the Ministry of Justice. To register with the Ministry of Justice, religious groups must submit documentation supporting their claim to be religions. If a group's application is rejected, it may appeal the decision to the courts. Religions not recognized officially, such as the Church of Scientology, were treated as cultural associations.

Leaders of the Protestant, Muslim, and Jewish communities reported that they continued to press the Government for comparable privileges to those enjoyed by the Catholic Church. Protestant and Muslim leaders would like their communities to receive government support through an income tax allocation or other designation.

The growth of the country's immigrant population at times led to social friction, which in isolated instances had a religious component. In May arsonists burned an evangelical church in the town of Arganda del Rey, in the Madrid Autonomous Community. The church, whose congregation was predominantly Romanian, previously had been vandalized with anti-immigrant graffiti. Police arrested four youths, who according to the local mayor were associated with an ultra-right group. The arrival of large Muslim religious groups in the Catalonia region presented social problems particularly when it came to building mosques in the region. For example, in Premia de Mar, a small town north of Barcelona which became the center of confrontations between immigrants and local citizens, 5,500 Catalans gathered to protest against the construction of a mosque. An agreement was eventually signed to

build the mosque in a less centrally located site. Other examples of towns where citizens refused to permit the construction of mosques are the towns of Lleida, Vendrell, Cervera and Badalona. The NGO SOS Racism commented that these events indicated a growing fear of Islam in Catalonia.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and law provide for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum-seekers. Under the law, asylum requests are adjudicated in a two-stage process, with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing. The CIAR included representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a non-voting member of the UNHCR. The Minister of the Interior must approve the decision of the CIAR in each case. According to provisional statistics as of June, of the 3,748 applications for asylum during the year, the Government granted 135 persons asylum status and admitted 45 others for humanitarian or other reasons. The largest number of applicants came from Colombia, Nigeria, Algeria, Sierra Leone, and Cuba. The law provides for first asylum, but the issue of first asylum did not arise during the year. The UNHCR advised authorities throughout the asylum process. Applicants for asylum had the right to have their applications sent immediately to the local office of the UNHCR. The authorities were not bound by the judgment of the UNHCR in individual cases, but they often reevaluated decisions with which the UNHCR did not agree. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court's decisions may be made to the Supreme Court.

Asylum requests may be made from outside, as well as within the country. Anyone can request asylum from a Spanish diplomatic or consular representative outside the country. Illegal immigrants were permitted to apply for asylum. Those who lacked visas or permission to enter the country may apply at the border or port of entry; the applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases where persons apply inside the country, a decision must be reached within 2 months, but in cases where persons apply at a port of entry, this period is reduced to 72 hours. The period for filing an appeal in such cases is 24 hours.

In February the Constitutional Court ruled that the Government's practice of detaining asylum applicants at border posts pending processing of their requests did not violate the Constitution.

The Ombudsman also expressed his concern over the high percentage of applications not admitted for processing (approximately 93.5 percent during the year). However, many persons with falsified documents were rejected early in the process. Many such applicants came from politically stable but economically impoverished countries.

Applicants had the right by law to free legal assistance, regardless of where they are when they apply for asylum. This assistance was available from the first step in the process through any appeals of unfavorable decisions. The applicant also had the right to the assistance of translators and interpreters, and the OAR admitted documents in any language without requiring an official translation.

There was no distinction between asylum status and refugee status. Regulatory changes in 2001 redefined the basis for admission on humanitarian grounds for certain applicants who do not meet the requirements of the 1951 Convention. Those granted admission for humanitarian reasons must renew their status annually. The law allows the applicant a 15-day grace period in which to leave the country if refugee status or asylum is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begins after 15 days.

During the year, the Government finished the regularization process initiated in 2001. Of the 352,346 applications presented, 238,872 were approved, 87,808 were denied, and the rest were put on hold for lack of information from the applicant. During the year, the Government approved a quota of 30,000 foreign workers (20,000 of them were to be seasonal workers). Country selection will be based first on the requirements of potential Spanish employers, and secondly, upon the countries with whom the Government has employment cooperation agreements (Ecuador, Dominican Republic, Colombia, Poland, and Romania).

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Spain is a multiparty democracy with open elections in which all citizens 18 years of age and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. In March 2000, Jose Maria Aznar of the Popular Party was reelected Prime Minister, with the title President of the Government. The next national elections must be held by March 2004.

Governmental power was shared between the central Government and 17 regional "autonomous communities." Local nationalist parties gave political expression to regional linguistic and cultural identities.

Women participated actively in government and politics. Of 15 Cabinet Ministers, three were women. The Speaker of the Chamber of Deputies was a woman. The number of female Members of Parliament increased after the 2000 elections; of the 350 members of the lower house, 109 were women. Of 259 Senators, 66 were women. One of the country's two EU Commissioners was a woman. At year's end, 20 of the 64 Spanish members of the European Parliament were women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. Human rights NGOs included the Human Rights Association of Spain in Madrid and the Human Rights Institute of Catalonia in Barcelona.

The Constitution provides for an ombudsman, called the "People's Defender," whose duties include actively investigating complaints of human rights abuses by the authorities. The ombudsman operated independently from any party or government ministry, must be elected every 5 years by a three-fifths majority of the Congress of Deputies, and was immune from prosecution. He had complete access to government institutions and to all documents other than those classified for national security reasons, and may refer cases to the courts on his own authority. The ombudsman had a staff of approximately 150 persons and received approximately 21,192 complaints during the year. The majority of the complaints pertained to health and social services, integration and shelter services for immigrants, moving of imprisoned persons from one penitentiary to another, and lack of adequate facilities in such penitentiaries. Government agencies were responsive to the ombudsman's recommendations. Several of the autonomous communities had their own ombudsman, and there were ombudsmen dedicated to the rights of specific groups, such as women, children, and persons with disabilities.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens, and discrimination on the basis of sex, race, ethnicity, nationality, disability or ideology is illegal; however, social discrimination against Roma and immigrants continued to be problems. The Government continued to take steps to reduce violence against women.

Women

Violence against women, particularly domestic violence, remained a problem. According to the Government, 52 women and 19 men were killed as a result of domestic violence during the year, compared with at least 42 women and 3 men in 2001. During the year, women filed 7,295 criminal complaints and 22,904 misdemeanor complaints against their husbands or male partners. In 2001 women filed 5,983 such criminal complaints and 18,175 such misdemeanor complaints.

The law prohibits rape and spousal abuse. Police received 1,219 reports of rape in 2001. In May 2001, the Government initiated its second Plan Against Domestic Violence, with a budget of \$72 million over 4 years. The four principal areas outlined in the plan were preventive education; judicial regulations and practices to protect victims and increase the penalty for abusers; the extension of social services for abused women to all parts of the country; and increased coordination among the agencies and organizations involved in preventing domestic violence. There were 54 Civil Guard units that assisted battered women and 43 similar units in the National Police.

There were 53 offices that provided legal assistance to victims of domestic violence and approximately 225 shelters for battered women. A 24-hour free national hotline that advised women where to find local assistance or shelter operated during the year.

Trafficking in women and children for the purpose of prostitution was a problem (see Section 6.f.).

The law prohibits sexual harassment in the workplace; however, there were complaints of sexual harassment. Although prohibited by law, discrimination in the workplace and in hiring practices persisted.

Discriminatory wage differentials continued to exist. A 2001 report by the General Workers' Union showed that women's salaries were 28 percent less than those of their male counterparts. In addition, the Minister of Social Affairs reported that, while as of September 30, women constituted 37.55 percent of the work force, they held only 18.09 percent of senior management positions in the third quarter of the year. The female unemployment rate was 17.3 percent by year's end, up from 15.5 percent in 2001; this was more than twice the 8.5 percent rate for men. Women outnumbered men in the legal, journalism, and health care professions but still played minor roles in many other fields.

Employers were exempted from paying social security benefits to temporary workers who substituted for workers on leave for maternity, child adoption, or similar circumstances. A ministerial order to increase women's presence in sectors in which they are underrepresented provided a 2-year reprieve from paying social security taxes to employers who hired women in these sectors. The 2002 National Employment Action Plan gave priority to battered women who searched for employment.

Children

The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. Education was compulsory until age 16 and free until age 18. Many Romani children did not attend school on a regular basis and some complained of harassment in schools.

The Constitution obligates both the State and parents to protect children. The Ministries of Health and Social Affairs were responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGOs promoted children's rights and welfare, often through government-funded projects. Several of the Autonomous Communities had an office of the Defender of Children, an independent, nonpartisan agency charged with defending children's rights. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

There appears to be no societal pattern of abuse of children. The 1995 Law of the Child gave legal rights of testimony to minors in child abuse cases; it also obliged all citizens to act on cases of suspected child abuse.

Trafficking in teenage girls for prostitution was a problem (see Section 6.f.).

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets. These children cannot legally work; as a result, many survived through petty crime. AI reported in a report released during the year that police abused undocumented Moroccan minors, especially in the Spanish North African enclaves of Ceuta and Melilla, and that some undocumented minors were returned to Morocco without sufficient concern for their welfare.

Persons with Disabilities

The Constitution calls for the State to provide for the adequate treatment and care of persons with disabilities, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to public employment, prevent discrimination, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels of assistance and accessibility differed from region to region and have not improved in many areas. Nevertheless there were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services.

The law continued to permit parents or legal representatives of a person with mental disabilities to petition a judge to obtain permission for the sterilization of that person. In 1994 the Constitutional Court held that sterilization of persons with mental disabilities did not constitute a violation of the Constitution. In practice many courts in the past have authorized such surgery.

The Government subsidized companies that employed persons with disabilities. The Government mandated that all businesses that employed more than 50 persons either hire persons with disabilities for at least two percent of their workforce, or subcontract a portion of their work to special centers that employed persons with disabilities. According to an NGO that advocates on behalf of persons with disabilities, not all companies complied with this regulation, primarily because they did not know the law. New regulatory legislation for companies that want to have access to public contracts will make companies aware of their obligations under the law.

National/Racial/Ethnic Minorities

Public opinion surveys indicated the continued presence of racism and xenophobia, which resulted in discrimination and, at times, violence against minorities. A June report by the NGO SOS Racism indicated that electoral use of immigration issues has favored the proliferation of extreme right and neo-Nazi groups. In 2001 there were occasional reports of attacks against immigrants, some of which were attributed to quasi-organized right-wing youth groups.

Roma continued to face marginalization and discrimination in access to employment, housing, and education. The Romani community, whose size was estimated by NGOs at several hundred thousand, suffered from substantially higher rates of poverty and illiteracy than the population as a whole. Roma also had higher rates of unemployment and underemployment. According to the national NGO Secretariado General Gitano, approximately 46 percent of Roma adults were unemployed. Roma occupied the majority of the country's sub-standard housing units. Several NGOs dedicated to improving the condition of Roma received federal, regional, and local government funding.

According to a 2000 study of primary education by the Gypsy General Secretariat Association (ASGG), an NGO, Roma children lagged significantly behind the general population in several areas, including integration into school routines and social interaction with other children, and lacked family support for education. Roma truancy and dropout rates remained significantly above average. However, the study showed improvements over the results of a similar study done in 1994, especially in early school access (94 percent entered school at age 6) and academic achievement (44 percent finished secondary level).

A language or dialect other than Castilian Spanish is used in six of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castilian, which is the "official language of the state;" however, it also provides that other languages also may be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall...be protected." Laws in the Autonomous Communities of the Basque Country, Galicia, and Valencia require the community governments to promote their respective regional languages in schools and at official functions.

The Law of the Catalan Language, approved by the Catalan regional legislature (Generalitat) in 1998, stipulates the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional Government. Spanish-speaking citizens had the right to be addressed in Spanish by public officials. The legislation also established minimum quotas for Catalan-language radio and television programming. Some controversy continued over the implementing legislation and related regulatory measures.

Section 6 Worker Rights

a. The Right of Association

The Constitution and laws ensure that all workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 18 percent of the workforce was unionized. Under the Constitution, trade unions are free to choose their representatives, determine their policies, and represent their members' interests. Unions were not restricted or harassed by the Government and were independent of political parties. The two main labor federations were the Workers' Committees (Comisiones Obreras) and the General Union of Workers (Union General de Trabajadores).

The law prohibits discrimination by employers against trade union members and organizers. Discrimination cases have priority in the labor courts. The law gives unions a role in controlling temporary work contracts to prevent the abuse of such contracts and of termination actions. Unions nonetheless contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing. Approximately 30.7 percent of all employees were under temporary contracts at year's end.

Unions are free to form or join federations and affiliate with international bodies and did so without hindrance.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, including for all workers in the public sector except military personnel, and unions exercised this right in practice. Public sector collective bargaining in 1990 was broadened to include salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 82.79 percent of workers, even though only approximately 18 percent of workers were union members.

The Constitution provides for the right to strike. A strike in non-essential services was legal if its sponsors give 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The Constitutional Court has interpreted the right to strike to include general strikes called to protest government policy. According to the National Business Association, as of September 30, there had been 358 strikes, with approximately 2.4 million participants and 3 million lost workdays. The law prohibits retaliation against strikers.

National unions (UGT and CCOO) called for a general strike on June 20 to protest against the labor law reform proposed by the Government. Estimates of the level of participation in it varied from 17 percent of the work force, according to the Government, to 80 percent of the work force, according to the unions.

Labor regulations and practices in free trade zones and export processing zones were the same as in the rest of the country. Union membership in these zones reportedly was higher than the average throughout the country.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The statutory minimum age for the employment of children is 16 years old. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs primarily was responsible for enforcement, and the minimum age was enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

e. Acceptable Conditions of Work

Each year the Government revises its minimum wage for workers over age 18, in line with the consumer price index. In December the Government raised the minimum wage for 2003 by two percent, to \$482 (451.2 euros) monthly or \$16 (15.04 euros) daily. The national minimum wage provided a decent standard of living for a worker and family. The Ministry of Labor effectively enforced the minimum wage. The law sets a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Workers enjoyed 12 paid holidays a year and 1 month's paid vacation.

The National Institute of Safety and Health in the Ministry of Labor and Social Security had technical responsibility for developing labor standards, but the Inspectorate of Labor had responsibility for enforcing the legislation through judicial action when infractions are found. Unions have criticized the Government for devoting insufficient resources to inspection and enforcement. Workers have firm legal protection for filing complaints about hazardous conditions, but easily replaced temporary workers may be reluctant to use this protection for fear of losing their jobs.

Unions and immigrant rights NGOs reported that illegal immigrants often worked for sub-standard pay and in sub-standard conditions, mainly in agriculture. The Inspectorate of Labor reported 7,501 cases of labor rights violations related to immigrants during 2001, and 5,545 such violations in the first 9 months of the year. Illegal aliens did not have the right to join unions or to strike.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women and teenage girls remained a problem. There were few reports of trafficking in younger minors.

The law defines trafficking as a criminal offense. The penalty for trafficking is 2 to 4 years' imprisonment and a fine, or 6 to 12 years if the crime is committed by a public official. The exploitation of prostitutes through coercion or fraud and the exploitation of workers in general also were illegal, although prostitution itself is legal. Trafficking in workers was punishable by 2 to 5 years' imprisonment and a fine. During the year, law enforcement agencies arrested more than 1,844 individuals involved in some aspect of trafficking in persons or migrant smuggling.

The Government specifically targets trafficking as part of its broader plan to control immigration; for example, the police actively pursued and prosecuted organized crime groups who used false identity documentation for immigrant smuggling of all kinds, including trafficking. Within the Interior Ministry, the National Police Corps had primary responsibility for all matters pertaining to immigration, including trafficking. Regional authorities also participated in fighting organized criminal activity, including trafficking. In addition, the Interior Ministry chaired an interagency committee on all immigration issues, including trafficking. The Ministries of Foreign Affairs, Health, Education, Treasury, and Labor also were members of the committee. The main police school gave courses on trafficking issues, such as the recognition of fake documents and the best ways to identify traffickers.

Women were trafficked primarily from Latin America (Colombia, Dominican Republic, Brazil), East European countries, sub-Saharan Africa (Nigeria, Guinea, Sierra Leone), and, to a lesser extent, North Africa. Asians, including Chinese, were trafficked to a much lesser degree, and more often for work other than prostitution. Trafficking involved almost exclusively the importation of women for prostitution, although there were reports of occasional cases in which victims were employed in other work, including agriculture and sweatshops. Trafficked women were usually 18 to 30 years of age, but sometimes were girls as young as age 16.

Traffickers used coercion, including confiscation of documents, violence, and threats against family members to keep victims working in prostitution. As a group, women from Eastern Europe reportedly were subject to more severe violence and threats by traffickers. Some victims from sub-Saharan Africa reportedly were sold to traffickers by members of their own families. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture and then forced them into prostitution upon their arrival in the country.

The law allows for trafficked persons to remain in the country if they agree to testify against the perpetrators. After legal proceedings conclude, the individual is given the option of remaining in the country or returning to the country of origin. Victims were encouraged to help police investigate trafficking cases and to testify against traffickers. The Government worked with and funded NGOs that provided assistance to trafficking victims. In addition, regional and local governments provided assistance either directly or through NGOs.

Project Hope, a program backed by the Catholic NGO Las Adoratrices and government agencies, specifically was designed to assist trafficking victims. The project operated shelters in Madrid and provided assistance with medical and legal services and acted as liaison with law enforcement for victims who chose to testify against traffickers. Project Hope received many of its referrals directly from police.